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November 14, 2022

**VIA ECF**

Hon. Cathy Seibel  
United States District Judge  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

Re: ***Cap 111 Enterprises LLC v. Manhattan Beer Distributors, LLC;***  
**Case No. 7:22-cv-01408-CS**

Dear Judge Seibel:

We are writing to respectfully request reconsideration of that portion of Your Honor's order, dated today, which denied the parties' joint request for an enlargement of page limits (the "Order").

In the Order, the Court stated that "The usual limits should be sufficient for a motion focused on one claim". While we agree with Your Honor, the Second Amended Class Action Complaint, dated October 13, 2022 (the "SAC"), contains ten claims – a RICO claim and nine state law claims. In addition, the SAC asserts that the Court has subject matter jurisdiction over this action pursuant to both the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d) ("CAFA"), and RICO. Our position is that the Court lacks jurisdiction under CAFA or, alternatively, should decline jurisdiction and that the RICO claim should be dismissed. We recognize that if Your Honor agrees, the Court may decline to exercise supplemental jurisdiction over the state law claims. However, if Your Honor disagrees and retains jurisdiction over the state law claims, we do not want to waive our right to seek dismissal of the state law claims on the merits. This was the reason why we requested additional pages, i.e., to address all ten claims.

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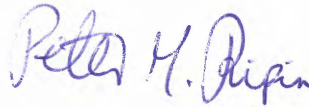
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Alternatively, if the Court prefers that we limit the motion to the CAFA and RICO issues without prejudice to our moving to dismiss the state law claims if the Court retains jurisdiction, we would not need any additional pages.

We thank the Court for its consideration of this matter.

Respectfully yours,



Peter M. Ripin

cc: Wittels McInturff Palikovic